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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NOSSAMAN LLP, COALITION FOR A
SUSTAINABLE DELTA, and KERN COUNTY
WATER AGENCY, a public entity,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendant.

Case No: 1:10-CV-01627-OWW-SKO

**ORDER RE PLAINTIFFS COALITION
FOR A SUSTAINABLE DELTA AND KERN
COUNTY WATER AGENCY'S NOTICE OF
DISMISSAL OF ACTION**

[FED. R. CIV. P. 41(a)(1)(A)(i)]

Judge: Hon. Oliver W. Wanger

Filed: September 8, 2010

1 Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(A)(i), Plaintiffs Coalition for a
2 Sustainable Delta ("Coalition") and the Kern County Water Agency ("KCWA") filed a voluntary notice
3 of dismissal of all claims for relief on October 25, 2010. (ECF No. 11.)

4 2. On September 8, 2010, Plaintiffs Nossaman LLP, Coalition, and KCWA filed a complaint for
5 injunctive and declaratory relief against Defendant U.S. Department of Homeland Security ("DHS") for
6 violations of the Freedom of Information Act.

7 3. Defendant DHS has not filed an answer or motion for summary judgment in this litigation.

8 4. This litigation is not a class action.

9 5. This litigation is not a derivative suit or an action relating to an unincorporated association.

10 6. No receiver has been appointed in this litigation.

11 7. This litigation is not governed by a federal statute that requires a court order for a voluntary
12 dismissal of the action.

13 8. Plaintiffs Coalition and KCWA have not previously dismissed an action based on or including
14 the same claims in this litigation.

15 9. This dismissal is without prejudice to refiling.

16 10. Only the Coalition and KCWA are dismissing this action against Defendant DHS.

17 11. Upon Plaintiffs Coalition and Kern's filing of their notice of dismissal, Plaintiff Nossaman
18 LLP remained the sole plaintiff in this action. Fed. R. Civ. P. 41(a)(1)(A)(i); *Concha v. London*, 62 F.3d
19 1493, 1506 (9th Cir. 1995) (voluntary dismissal pursuant to notice of dismissal filed by plaintiff is
20 effective on filing); *Pedrina v. Chun*, 987 F.2d 608, 609-610 (9th Cir. 1993) (notice of dismissal is self-
21 executing with no need for court approval or judicial approval).

22 In light of the recited facts, the clerk is hereby directed to dismiss the actions brought by
23 Plaintiffs Coalition for a Sustainable Delta and Kern County Water Agency, acknowledging that their
24 dismissal was effective as of the date of filing of their notice of dismissal.

25
26 IT IS SO ORDERED.

27 Dated: November 3, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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